

CITY COUNCIL, CITY OF LODI
COUNCIL CHAMBER, CITY HALL
SEPTEMBER 5, 1956

This regular meeting of the City Council of the City of Lodi held beginning at 8:00 o'clock of Wednesday, September 5, 1956; Councilmen Fuller, Hughes, Katzakian, Robinson and Mitchell (Mayor) present; none absent. Minutes of the meeting of August 1, 1956 were approved as written and mailed.

PUBLIC HEARINGS

PALLESEN
REZONING

City Clerk Graves explained that he had failed to advertise a Public Hearing to rezone Lots 85 and 86 of Hutchins Homestead Addition #3 in the prescribed time before this meeting. He asked that the public hearing for the rezoning of these lots be reset for the September 19th meeting. By general agreement of the Council, the hearing was reset for September 19, 1956.

PARKING DIS-
TRICT NO. 1

This being the time and place set for the public hearing on the formation of Parking District No. 1, Mayor Mitchell declared the hearing open to public discussion. At the invitation of the Mayor, Mr. Kenneth Jones of the law firm of Kirkbride, Wilson, Harzfeld, and Wallace, explained the purpose of the hearing. The City Clerk read written protests received from the following: William and Mary Hoegerman, L. J. Peterson, Fred A. Rich, W. B. Polansky, Purity Stores, Ida Graffigna, Marie Graffigna Betten-court, Rita Graffigna Solarie, Marjorie Graffigna, and Frank Graffigna. Mayor Mitchell then called for those persons wishing to offer oral protests. The oral protests were offered by Mr. H. E. Looser, Mrs. E. F. Nichols, and Ted Reynolds. Mayor Mitchell called upon Mr. Jack Hoggatt, Secretary-Manager of the Chamber of Commerce, to outline the district boundaries and location of proposed parking lots in the district. At the invitation of the Mayor, Mr. Joe Newfield, Chairman of the Parking Committee of the Retail Merchants Division of the Chamber of Commerce, explained the proposed financing of the District. Mr. Randall Walker, Harold Wise and Associates, explained that the district as proposed implemented the study and recommendations of the Master Plan. Mr. H. E. Looser addressed the Council to say that he understood the existing parking meters were to finance off-street parking lots. However, to date there had been no addition parking furnished near his property. Mr. William C. Hoegerman protested that he did not feel the property owners within the district had had sufficient time to study the proposal. Mr. Ted Reynolds stated that he felt the boundary lines of the district were unfair and he felt there were other

property owners that should have been included since they would also be benefited. Mr. Karl Nichols stated he felt there should be some guarantee to the owners of property that the lots to be purchased would be near enough for the people to receive benefit from them. Mr. Kenneth Jones explained that the lots designated on the petition represented more lots than it would be practical to develop; however, the property owners will have an opportunity to participate in the final selection of parking lots at a subsequent hearing. He added that there will be no obligation of the property owners, nor could bonds be sold until options are secured for 80% of the property finally determined for purchase. Mr. Harry Mahaffey stated that he also protested to the formation of the district, although he was not a property owner, and he felt that the City Council should take into consideration loss of ad valorem tax and business license revenues. Mr. Hoggatt pointed out that full consideration had been given to both the immediate loss of revenues by the proposed acquisition of property in the district and the contemplated increase of business conducted and assessed valuation within the district. He also pointed out that an active and energetic committee had been working on the district for two years. This committee has not only been trying to improve the situation today, but they have been looking toward the future and trying to provide for that future. Mr. Hoegerman stated that he was in favor of providing off-street parking, but he felt this district was unfair for the following reasons:

- (1) The tax was being shouldered by only part of the property owners, whereas many others would be benefited.
- (2) He did not feel this district constituted the answer to the problem in the downtown district.
- (3) At least in one instance property that had been proposed for acquisition as a parking lot had been removed from the proposal and he felt that this was not proper or fair.
- (4) He opposed the condemnation of property as being confiscatory.

RES. NO. 1965
ADOPTED

Councilman Robinson then moved, Fuller second, the adoption of Resolution No. 1965 entitled, "A Resolution Determining the Convenience and Necessity of Acquisitions and Improvements, Overruling Protests and Directing Formation of Parking District No. 1." The resolution was adopted by the following vote:

AYES: Councilmen - Fuller, Robinson,
Katzakian, and Mitchell

NOES: Councilmen - Hughes

ABSENT: Councilmen - None

ORD. NO. 5685
INTRODUCED Councilman Robinson then asked if the district might be enlarged. Mr. Jones replied that the district could be enlarged, but only after giving due notice and holding further hearings. Ordinance No. 568, an ordinance relating to the formation of Parking District No. 1, was then read in full and introduced on the motion of Councilman Katzakian, Robinson second. The motion was carried by unanimous vote.

IMPROVEMENT OF CHERRY DR.

Mr. H. C. Baumbach, 515 Cherry Drive, asked the City Council what determination had been made for the improvement of the 500 block of Cherry Drive. Mr. Weller reported that the engineering estimate for the grading and surfacing of Cherry Drive was \$395. Councilman Robinson asked if the City should pay for the street improvement before the abutting property owners had improved the street to City standards. Mr. Baumbach replied that the street had been improved to the standards of the City in effect at the time of the improvement. Councilman Robinson protested the expenditure of money on the street until it was improved to the City specifications. On the motion of Councilman Katzakian, Fuller second, the Council voted to authorize the improvement of the 500 block of Cherry Drive as a substandard street (alley), calling for grading and oiling. The motion was carried by the following vote:

AYES: Councilmen - Fuller, Hughes,
Katzakian, and Mitchell

NOES: Councilmen - Robinson

ABSENT: Councilmen - None

Mr. Weller pointed out that the Engineering Department was on a tight schedule and he was uncertain as to the date the project could be undertaken.

G & G BAR COMPLAINT

Mr. Foscoe Collier, 615 S. Stockton Street, addressed the City Council to explain that the residents of the 400 block of South Main Street were being disturbed by the noise and confusion created in the early hours of the morning by the G & G Bar in that block. He submitted a petition signed by the residents in the area asking that the property be rezoned and that their business license be revoked. City Attorney Mullen pointed out that since business licenses are for revenue and

not for regulation, licenses cannot be revoked. He also pointed out that although the property could be rezoned, such action would not affect the present use since it could still operate as a nonconforming use. On the recommendation of the City Attorney, Councilman Katzakian moved, Hughes second, that the matter be referred to the Chief of Police for investigation and report to the Alcoholic Beverage Control Board.

TRASH BURNING Mr. George Bruns, 700 Windsor Drive, addressed the City Council to ask that consideration be given to the adoption of an ordinance prohibiting the burning of trash within the City limits. He explained that the present rules and regulations pertaining to the burning of trash were being abused, and a nuisance was being created. The matter was referred to the City Manager for investigation and report.

COMMUNICATIONS

TRAFFIC COURT A letter from the American Bar Association, dated August 27, 1956, informing the City Council that the Traffic Court had been selected by the American Bar Association to receive an award for progress achieved on traffic court improvement during the past year. A certificate is to follow in the mail.

ABC LICENSE Application for the transfer of Alcoholic Beverage License for on-sale Beer and Wine by Joseph L. Yip at King Yin Cafe, 10 S. Main Street.

SEIBEL CLAIM City Clerk Graves read a claim submitted on behalf of Lydia Seibel, claiming damages for injuries sustained on May 30, 1956, at 1015 W. Lockeford Street. The amount of damages claimed by Mrs. Seibel was \$5,000 and an additional sum of \$528 for special damages. On the motion of Councilman Hughes, Fuller second, the claim was rejected and referred to the insurance carrier.

COUNTY PLAN- A letter from the County Board of Supervisors, dated August 29, 1956, informing the City Council that the Board of Supervisors find it beyond their legal power to enlarge the County Planning Commission as proposed by the cities within the County. Its membership is limited to nine members, and the Board did not feel that it would be equitable to appoint a member from each city to the County Planning Commission. It was suggested that an area Planning Commission might be formed to achieve the end sought by the Cities.

CITY INSPEC- A letter from the Great American Indemnity Company of New York, dated August 13, 1956, informing the City of Lodi that the customary quarterly inspection had been conducted by the Company on August 7, 1956. The inspection disclosed that the City's streets, sidewalks, and automotive equipment fully comply with the underwriting standards.

REPORTS OF THE CITY MANAGER

SPECS
SEWER PUMP Specifications for a pump to be placed in the sewer line between Hutchins Sunset Park and the sewage disposal plant were approved on the motion of Councilman Katzakian, Fuller second.

SPECS
ANIMAL SHEL- Specifications for the animal shelter, es-
TER timated cost \$18,000, were approved and ad-
vertising for bids was authorized on the
motion of Councilman Katzakian, Fuller second.

SPECS
BLAKELY PARK Specifications for the installation of curb
and gutter around the north, east, and south
sides of Blakely Park were approved on the
motion of Councilman Robinson, Fuller second.

SPECS
CATCH BASIN Specifications for the side-inlet catch basin
program were approved on the motion of Council-
man Hughes, Katzakian second.

ABANDON UN- The City Manager reported that he received
NAMED RIGHT- a recommendation from the City Attorney that
OF-WAY action now be taken to abandon the unnamed
right-of-way running between Louie Avenue and
Turner Road east of Ham Lane. Mr. Mullen
explained that on a previous occasion the
City Council had contemplated the abandon-
ment, but when it was found that the inter-
ests in the right-of-way were held by several
private parties, the proceedings were abandoned
until the situation was clarified. He ex-
plained that Louie Avenue had now been opened
to Ham Lane, and he felt action by the City
Council at this time would facilitate the
clarification of the whole matter. Resolu-
tion No. 1963, declaring the intention of
the City Council to abandon said right-of-
way, was then adopted on the motion of Council-
man Robinson, Hughes second.

RES. NO. 1963
ADOPTED

LEASE 30 X 50 The City Manager reported that some of the
PLOT FROM P. equipment recently purchased from the Pacific
G.& E. Gas and Electric Company is located at the
P.G.&E. plant on Cherokee Lane. The Company
has offered to lease this land, a parcel
30 feet by 50 feet, to the City for \$1 for
the term of the lease. P.G.&E. has also
offered to serve the City with 24-volt direct
current for the circuit breaker at no cost to
the City. They only ask that the City exe-
cute a letter of agreement holding the Com-
pany harmless from any liability arising
from any equipment failure which might
interrupt this service. On the motion of
Councilman Hughes, Katzakian second, Res-
olution No. 1964, approving the letter of
agreement and authorizing the City Manager
to sign on behalf of the City of Lodi, was
adopted by unanimous vote.

RES. NO. 1964
ADOPTED

AWARD HAM LANE City Manager reported that two bids had been
SURFACING received for the surfacing of Ham Lane. Bids
were as follows:

Rice Brothers	\$ 10,122.50
Claude E. Wood Co.	10,230.00

RES. NO. 1966 ADOPTED	He recommended that the contract be awarded to Rice Brothers as low bidder. Resolution No. 1966, awarding the Ham Lane surfacing contract to Rice Brothers, was then adopted.
HOLLY DR. OPENING	Mr. Weller reported that the City Engineer estimated the cost of improving Holly Drive between Bel Air Estates and Costa Tract at \$1,800. The school district's share for the south half of the street would be \$900. Councilman Robinson then moved, Fuller second, that the City Manager be instructed to proceed with the opening of Holly Drive and authorized expenditure of City funds to improve the south half of the street.
CHURCH & LOCKEFORD STS. STOP SIGN	Mr. Weller reported that he had received complaints that the stop sign at the north-east corner of Church and Lockeford streets is difficult to see. He added that the Utility Department had been instructed to install a light over the sign to give it better visibility.
RIVER LEVEE	Mr. Weller reported that the property owners along the south bank of the Mokelumne River east of Laurel Drive have agreed to the construction of a levee over their land. As a result of negotiations with the City Engineer they have offered the right of way across their property at no cost to the City, provided the City will undertake the construction of the levee. It is proposed that the necessary soil be secured from the necks of bends in the River. The City Engineer reported that at this time he was unable to gain enough information on which to base an estimate of the cost of the project. Mr. Weller suggested that some thought should be given to the formulation of a policy regarding the basis upon which the City will undertake this type of work.
LODI AVE. WIDENING	Mr. Weller reported that the Engineering Department had received rights of way on Lodi Avenue from all property owners except the Signal Oil Company and the Langford corner.
CITY AUDIT AWARD	The City Manager reported that three proposals had been received for conducting the City's independent audit. The proposal of Mr. George Johnson, with a \$900 maximum was the lowest proposal. He pointed out that Mr. Johnson had conducted audits for the City in previous years and his work had been found satisfactory. The City Manager was authorized to sign a contract with Mr. Johnson on the motion of Councilman Fuller, Hughes second.
CLAIMS	Claims in the amount of \$98,642.17 were approved on the motion of Councilman Robinson, Katzakian second.

REZONING
BARBERA ADDI-
TIONORD. NO. 565
ADOPTED

ORDINANCE NO. 565, ENTITLED "AMENDING THE OFFICIAL DISTRICT MAP OF THE CITY OF LODI AND THEREBY REZONING A CERTAIN PARCEL OF LAND AT THE SOUTHEAST CORNER OF SOUTH HUTCHINS STREET AND KETTLEMAN LANE," having been introduced at the August 15, 1956 meeting, was brought up for passage on the motion of Councilman Katzakian, Fuller second. Second reading was omitted after reading by title, and was then passed, adopted and ordered to print by the following vote:

AYES: Councilmen - Fuller, Robinson, Katzakian, Hughes, and Mitchell

NOES: Councilmen - None

ABSENT: Councilmen - None

AMENDING SIDE
YARD REQUIRE-
MENTSORD. NO. 566
ADOPTED

ORDINANCE NO. 566, ENTITLED "AMENDING ORDINANCE NO. 469 (ZONING ORDINANCE) TO PROVIDE FOR THE MODIFICATION AND CLARIFICATION OF SIDE YARD REQUIREMENTS," having been introduced at the August 15, 1956 meeting, was brought up for passage on the motion of Councilman Robinson, Katzakian second. Second reading was omitted after reading by title, and was then passed, adopted and ordered to print by the following vote:

AYES: Councilmen - Fuller, Robinson, Katzakian, Hughes, and Mitchell

NOES: Councilmen - None

ABSENT: Councilmen - None

Ordinance No. 566 was then signed by Mayor Mitchell in approval thereof.

HONORARY
MAYOR

On the motion of Councilman Hughes, Katzakian second, Mr. Thomas Mitchell, T.V. "Mayor of the Town", was appointed Honorary Mayor to serve during the Golden Jubilee Celebration.

On the motion of Councilman Robinson, the meeting was adjourned at 12:15 a.m.

Henry A. Glaves, Jr.
ATTEST: HENRY A. GLAVES, JR.
City Clerk